

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG

LINDA BARRICK,

Plaintiff,

v.

Civil Action No: 3:17-CV-138  
(GROH)

PNGI CHARLES TOWN GAMING, LLC,  
doing business as Hollywood Casino at  
Charles Town Races,  
PENN NATIONAL GAMING, INC.,

Defendant.

**FIRST ORDER AND NOTICE REGARDING  
DISCOVERY AND SCHEDULING CONFERENCE**

Pursuant to Fed. R. Civ. P. 16(b) and 26(f) and Local Rule of Civil Procedure ("LR Civ P") 16.01 and 26.01 it is hereby **ORDERED** that:

1. **Initial Planning Meeting**  
**On or before: March 22, 2018**

3. **Initial Disclosures**  
**On or before: April 23, 2018**

2. **Meeting Report**  
**On or before: March 29, 2018**

4. **Scheduling Conference:**  
**April 5, 2018 @ 1:30 PM**

(1) **Initial Planning Meeting**: Pursuant to Fed. R. Civ. P. 16 and 26(f) and LR Civ P 16.01(b), parties to this action shall meet in person or by telephone on or before **March 22, 2018**. At this meeting, the parties shall discuss all matters required by Fed. R. Civ. P. 16 and 26(f) and LR Civ P 16.01(b).

(2) **Meeting Report and Proposed Discovery Plan**: Pursuant to Fed. R. Civ. P. 26(f) and LR Civ P 16.01(c), the parties shall submit to this Court a written report on the

results of the initial discovery meeting on or before **March 29, 2018**. This report shall include the parties' report on those matters set forth in LR Civ P 16.01(b)(1-5) and 16.01(c) and the parties' discovery plan as required by Fed. R. Civ. P. 26(f). The parties may refer to Form 52 of the Federal Rules of Civil Procedure for an example of a report on a planning meeting. However, the parties should be certain to supplement Form 52 with LR Civ P 16.01(b)(1-5) and 16.01(c) disclosures. The parties' report on their meeting shall be considered by this Court as advisory only. Parties and counsel are subject to sanctions as set forth in Fed. R. Civ. P. 16(f) and LR Civ P 37.01 for failure to participate in good faith in the development and submission of a meeting report and proposed discovery plan.

(3) **Initial Discovery Disclosures**: Pursuant to Fed. R. Civ. P. 26(a)(1) and LR Civ P 26.01(a), each party shall provide to every other party the initial discovery disclosures required under Fed. R. Civ. P. 26(a)(1) on or before **April 23, 2018**.

(4) **Telephonic Scheduling Conference**: Upon receipt of the meeting report and proposed discovery plan, this Court will conduct a telephonic scheduling conference on **April 5, 2018 @ 1:30 PM**. **The Court will initiate the phone conference using the telephone numbers provided in CM/ECF. The parties are directed to contact the Court no later than 11:00 AM on April 5, 2018, if a different number is to be utilized for this call.** The Court will review dates for the thirteen (13) items listed on the Scheduling Conference Checklist enclosed herewith. Pursuant to LR Civ P 16.01(e), a scheduling order will be entered thereafter.

The Clerk is directed to transmit copies of this Order to counsel of record herein along with copies of this Court's Scheduling Order Checklist.

**DATED:** February 23, 2018



GINA M. GROH  
UNITED STATES DISTRICT JUDGE

### **Guidelines for Completing the Scheduling Order Checklist**

As part of the Rule 26(f) Report, the parties **MUST** complete and return the attached Scheduling Order Checklist. In completing this checklist, the parties should be guided by the following general timeline for scheduling in this Court, as well as any applicable federal or local rules. Of course, the parties are free to request any compression or extension of these general guidelines that they feel is warranted by the facts of a particular case.

It is generally easiest to work backwards when completing this checklist. The parties must first decide a date upon which their case will be ready for trial (the month and year will suffice). Civil trials in this Court generally begin on the second and fourth Tuesday of each month. Once a trial date is decided, the following general rules apply:

1. The Final Pretrial Conference should be set on a Friday 2 weeks before the Trial.
2. The Joint Final Pretrial Conference Order is due 1 week before the Final Pretrial Conference.
3. Pretrial Disclosures pursuant to FED. R. CIV. P. 26(a)(3), Jury Instructions, Voir Dire, Verdict Forms, and Motions *in Limine* are all due 1 month before the Final Pretrial Conference. Objections to the same are due 2 weeks before the Final Pretrial Conference.
4. Dispositive Motions must be filed 10 weeks before the Final Pretrial Conference.
5. The Discovery Completion date should be 1 month before Dispositive Motions are due.

6. Examinations/Inspections should be completed 8 weeks before Discovery Completion.
7. Expert Disclosures by the party with the burden should be made 8 weeks before Discovery Completion.
8. Expert Disclosures by the party without the burden should be made 4 weeks before Discovery Completion.
9. Any Joinder and/or Amendments must be made 10 weeks before Discovery Completion.
10. Mediation must be completed 1 week before the Final Pretrial Conference.
11. Intermediate Pretrial Conferences are always upon request. If a situation arises which the parties feel warrants an intermediate pretrial conference, then the parties are free to so move.

Upon receipt of the parties' Rule 26(f) Report and Scheduling Order Checklist, the Court will review the parties' proposed dates and verify that there are no conflicts with the Court's existing schedule. If a conflict does exist, the Court will change the parties' proposed date to the nearest date/time which the Court can accommodate. The Court will inform the parties of any changes at the telephonic Scheduling Conference. If the parties do not wish to have a telephonic scheduling conference and choose to waive the same, then the Court will simply enter a Scheduling Order containing the parties' proposed dates as modified by the Court. Any objections to the Court's Scheduling Order can be raised via motion.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

\_\_\_\_\_  
Plaintiff(s),

v.

Civil Action No. \_\_\_\_\_

\_\_\_\_\_  
Defendant(s).

**SCHEDULING ORDER CHECKLIST**

ATTORNEYS

1. INTERMEDIATE PRETRIAL CONFERENCE

\_\_\_\_\_  
Upon request

2. MEDIATION                      Before - \_\_\_\_\_

3. JOINDER AND AMENDMENTS  
\_\_\_\_\_

4. EXPERT DISCLOSURE

a. With Burden \_\_\_\_\_

b. Without Burden \_\_\_\_\_

5. EXAMINATION/INSPECTIONS  
\_\_\_\_\_

6. DISCOVERY COMPLETION  
\_\_\_\_\_

7. DISPOSITIVE MOTIONS  
\_\_\_\_\_

8. PRETRIAL DISCLOSURES, FED R. CIV PRO 26(a) 3

a. Objections

9. JURY INSTRUCTIONS, VOIR DIRE and VERDICT FORMS

a. Objections

10. MOTIONS IN LIMINE

a. Objections

11. JOINT FINAL PRETRIAL CONFERENCE ORDER

12. FINAL PRETRIAL CONFERENCE

13. TRIAL

(If non-jury trial, Proposed Findings of Fact  
and Conclusions of Law are to be filed with Court  
and opposing counsel \_\_\_\_\_)

14. CONFERENCE REQUESTED BEFORE  
ENTRY OF SCHEDULING ORDER?

YES / NO